

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, May 19, 2015

The City Plan Commission held its regular meeting on Tuesday, May 19, 2015 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

| | |
|------------------------|------------------------|
| Ms. Babette Macy | Chairwoman |
| Rev. Stan Archie | Vice Chair |
| Ms. Diane Burnette | Member |
| Mr. Enrique Gutierrez | Member |
| Ms. Margaret J. May | Member (left at 11:45) |
| Ms. Bobbi Baker-Hughes | Member (left at 11:00) |
| Ms. Trish Martin | Member |
| Mr. Coby Cowl | Member |

ABSENT

None

ALSO PRESENT

| | |
|----------------------|---------------------|
| Ms. Diane Binckley | Assistant Secretary |
| Mr. John Eckardt | Staff |
| Mr. Olofu Agbaji | Staff |
| Mr. Joseph Rexwinkle | Staff |
| Ms. Ashley Winchell | Staff |
| Ms. Patty Noll | Staff |
| Ms. Marty Campbell | Recording Secretary |
| Ms. Maggie Moran | Legal Counsel |
| Mr. Wei Sun | Public Works |
| Mr. Brett Cox | Land Development |

Chairwoman Macy called the meeting to order at 9:05 A.M.

OTHER MATTERS:

Election of Vice-Chair; nominations were open; Commissioner May nominated Commissioner Archie; Commissioner Baker-Hughes seconded the motion; there were no other nominations. Motion carried 7-0; Voting Aye: Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and Macy; Voting Nay: None; Abstained: Archie

RE: **SD 1167F – Final Plat, Replat of Beacon Hill Townhomes
Block 2, Lots 1 and 2**

APPLICANT: Dan F. Musser, Newmark Grubb Zimmer, 1220 Washington, Suite 100, Kansas City, MO 64105

PROPERTY OWNER: Beacon Hill Developers, LC, 1220 Washington, Suite 100, Kansas City, MO 64105

FIRM PREPARING PLAT: Taliaferro & Browne, Inc., Rick Gard, 1020 E. 8th Street, Kansas City, MO 64106

LOCATION: On the north side of Beacon Hill Lane, between Forest Avenue and Tracy Avenue.

AREA: About 0.53 acres

REQUEST: To approve a final plat creating six (6) residential lots in District UR Urban Redevelopment District.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that the applicant signed the consent agenda NOT agreeing to all of the conditions.

Mr. Brett Cox, Land Development asked to remove 1(b) condition regarding sewer easements.

Chairwoman Macy asked to hear from the applicant.

Mr. William Graham, Taliaferro & Browne; they also had concern on Condition #4 concerning covenant conditions and restrictions; he had already promulgated and declared that would cover the requirement of open space that was currently in place and had been in place for approximately 7 to 8 years and would like to have it eliminated.

Mr. Cox stated that if they do cover those then that condition would be considered satisfied at that time.

Mr. Graham stated that if it were stated in a way that he wouldn't have to start from scratch again would make him more comfortable.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE SD 1167F SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the developer revise the plat in the following manner:

a. Further recommendations and/or corrections of the Land Development Division.

~~b. Show proposed sanitary sewer easements to serve Lot 2.~~ Removed

c. Plat Languages:

Building Lines Language:

- Use the city's standard 'Building Lines' language for platted building lines.

Easement Dedication Language: Use the city's standard 'Easement' language for proposed utility easements being dedicated by this plat.

- Use the city's standard easement language for any proposed drainage, sewer and water main easements. (Use only the languages that would apply to this plat.)
- Show the drainage easement; otherwise, delete the drainage easement dedication language.

Parkland Language:

- Revise the statement to include the amount being paid by the developer, number and type of units the money in lieu of covers.

Plat Dedication Language:

- All references in the plat dedication, surveyor's certification, and plat heading, regarding the plat name, should be consistent. (The plat heading doesn't contain the comma after Townhomes and the reference on Sheet 2 in the surveyor's statement is different.)

Plat Heading:

- Reference 'Final Plat of ...' in the heading.

Restricted Access Language:

- How will lots 4, 5 and 6 access a public street?

d. Plat Drawing:

Easements:

- All easements listed on the ownership certificate should be shown on the plat drawing if the easement is within the plat boundary. If the easement is not within the plat boundary, please have a licensed surveyor in the state of Missouri state so on company letterhead, which should be signed, sealed and dated.

Legend of Monumentation:

- Define STE in the legend. (It is referenced on Lot 6 for the 5' utility easement.)

Other:

- The proposed final plat drawing must be in compliance with the approved preliminary plat/plan.
- Further revisions and/or corrections as required by Development Services.

Signature Block:

- Add the City Plan Commission recommended approval date from the City Plan Commission disposition letter sent to you by the City Planner.
- Use the City's standard revised signature block. (See the attachment.)

2. That the developer submit a storm drainage study to the Land Development Division for approval and that the developer make any necessary improvements as required by the Land Development Division.
3. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
4. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat. **The existing CCR's will be sufficient to satisfy this requirement as long as the legal description in the existing CCR's covers this plat.**
5. The developer must submit a street tree planting plan prior to or concurrent with the final plat submittal, secure the approval of the City Forester for street trees planted on right-of-way in front of residential lots (with a copy to be submitted to the City Planning and Development Department staff), and agree to plant in conformance with the plan approved by the City Forester. The plan shall include size, type, species, and placement of trees.
6. That the developer provide a running total of the required amount of private open space and the provided amount of private open space within the entire Beacon Hill "353" area to the City Development Department prior to the introduction of this final plat to the City Council.
7. That the developer submit a site plan for each phase to the Director of City Development for approval prior to the issuance of a building permit. The site plans shall include: development plan information, property uses, setback distances, lighting, landscaping, signage (including elevations), and architectural characteristics. The landscaping plan shall identify adequate areas for planting of trees and shrubs within the parking lots.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and
Macy
VOTING NAY: None

RE: a) Case No. 132-S-43
b) Case No. 14560-MPD

APPLICANT: E. F. Chip Walsh
HP Development Partners LLC
918 Fifth Street, Suite 6
Kansas City, MO 64106

AGENT: Josh Harold
BNIM
1735 Baltimore Avenue, Suite 300
Kansas City, MO 64108

OWNER/S: Same as Applicant

LOCATION: Generally located south of E 38th Street, west of Gillham Road,
north of E 39th Street and east of Warwick Boulevard

AREA: About 4.6 acres

REQUESTS: a) Case No. 132-S-43-- A request to amend the Westport Planning Area Plan by changing the recommended land use on about 4.6 acres generally located south of E 38th Street, west of Gillham Road, north of E 39th Street and east of Warwick Boulevard from Public and Semi Public land use to commercial.

b) Case No. 14560 MPD -- About 4.6 acres generally located south of E 38th Street, west of Gillham Road, north of E 39th Street and east of Warwick Blvd, to consider rezoning the site from Districts R 1.5 (Residential 1.5), R-5 (Residential 5), B 1-1 (Neighborhood business 1 (dash 1), and B 3-2 (Community business (dash2)) to District MPD (Master Planned Development) and the approval of a Development Plan for office, food & beverage, entertainment & spectator sport, daycare, parking, medical office, urban agriculture, artisan industrial and personal improvement services, uses.

Ms. Binckley, Assistant Secretary entered the staff report into the record and stated the applicant was requesting a continuance off docket and it would have one \$130.00 fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner May seconded the motion to **CONTINUE Case No. 132-S-43 and Case No. 143560-MPD OFF DOCKET** with one \$130.00 fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None

RE: a) **Case No. 260-S-11**
b) **Case No. 225-S-26**
c) **Case No. 14555-MPD**

APPLICANT: Dave Harrison
51st & Oak, LLC
4900 Main Suite
Kansas City, MO 64112

PROPERTY OWNER/S: The Curators of the University of Missouri
316 University Hall
Columbia, MO 65211

Kansas City Young Matrons
51000 Oak Street
Kansas City, MO 64112

Central United Methodist Church
5144 Oak Street
Kansas City, MO 64112

Kansas City Area Transportation Authority
1350 E 17th Street
Kansas City, MO 64108

AGENT: Leah Fitzgerald
Van Trust Real Estate
4900 Main Street #400
Kansas City, MO 64118

LOCATION: Generally located south of E 51st Street between Brookside Boulevard and Oak Street

AREA: About 2.84 acres

REQUESTS:

- a) Case No. 260-S-11** -- A request to amend the Country Club Area Plan, on about 2.84 acres generally located south of E 51st Street between Brookside Boulevard and Oak Street, by changing the recommended land use from “Public/Semi Public” to “Mixed Use Community”.
- b) Case No. 225-S-26** -- A request to amend the Plaza Urban Design and Development Plan, on about 2.84 acres generally located south of E 51st Street between Brookside Boulevard and Oak Street, by changing the recommended land use from “No Recommended Rezoning” to “Limited Redevelopment with Specific Guidelines”.
- c) Case No. 14555-MPD** -- About 2.84 acres generally located south of E 51st Street between Brookside Boulevard and Oak Street, to consider rezoning the site from District B 3-2 (Community business (dash2)) to District MPD (Master Planned Development) and the approval of a Development Plan for a multilevel structure containing a grocery store, retail sales, offices, residential uses and parking.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Crowl asked if there was any conflicting information between the two area plans in order to get to this presentation.

Mr. Eckardt answered that Gerald Williams reviewed those area plans; and they were always amending the area plans to be consistent with the project that came in and it was based on that and he didn't believe there were any conflicts.

Chairwoman Macy asked to hear from the applicant.

Mr. Tom McGee, Vice President VanTrust Real Estate and Leah Fitzgerald, 4900 Main Street, Kansas City, Missouri; they have had meetings with neighborhood groups and activists and had led to meaningful changes to the development plan; the stakeholders are UMKC, the KC Area Transportation Authority, a Church; one thing that was unique about the plan was they had entered into an arrangement/understanding with UMKC that allowed them to take it through the zoning process.

Chairwoman Macy opened up the discussion to the public.

Ms. Marty Lee, Executive Director of the Southtown Council; very excited about the development; and everybody was very much in favor of it.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 260-S-11 WITHOUT CONDITIONS; Case No. 225-S-25 WITHOUT CONDITIONS and Case No. 14555-MPD SUBJECT TO THE FOLLOWING CONDITIONS:**

Conditions 1 – 11 are recommended by City Planning & Development. Contacts are Brett Cox at brett.cox@kcmo.org or 816-513-2509 and John.eckardt@kcmo.org or 816-513-8816.

1. That three (3) copies of revised, collated, folded and stapled plans (and a CD containing a pdf file) showing the following:
 - a. Show a revision date.
 - b. Add a note to the development plan stating that tractor-trailer truck deliveries shall be restricted to times of the day between 5:00 am and 7:00 am and between 8:00 pm and 12:00 am only.
 - c. Sheet L100, Show the landscape plan stamped by a registered landscape architect.
 - d. Provide dimensions for E 51st St pavement sections.
 - e. Show proposed Stop Signs before pedestrian crossings in the Right-of-Way.
 - f. Show where proposed 30" Relocated Sanitary Sewer connects back to existing sanitary sewer north of the project site.
 - g. Sheet C050, A., state that proposed zoning is MPD.
 - h. Sheet C050, B., revise the area to be the entire area to be rezoned (2.84 acres, if that is the size).
 - i. Sheet C050, state the areas of the proposed commercial and office areas.
 - j. Sheet C050, state how the required parking for vehicles was determined not just the summary. Be reminded that office medical requires more parking than office.
 - k. Sheet C050, show the formulas for how the long and short term bicycle parking was calculated, state the Code Section number and add a detail of the short term parking structure.
 - l. Sheet C050, revise the plan, if possible, to not have the wheelchair bound persons from the ADA parking stalls wheel past the return cart area at the northwest corner of the building and the store entrance.
 - m. Sheet C050, Note 10, change all painted cross walk areas to be of a different material than paint or provide a "stamped" texture which could be painted.
 - n. Sheet C050, Note 22, show a detail of the proposed monument sign or state all required maximum dimensions and setbacks as required by the Zoning and Development Code.
 - o. Sheet A200, confirm that all proposed signage does not exceed quantities and sizes as allowed for in the Zoning and Development Code.
 - p. Sheet A201, In the "Artwork by Others" section, State that there will be "No Advertising Allowed" at this site and that it will conform to the following: "A message which does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity".
 - q. Clarify that the Vertical Lift Dock Door is actually 62 feet long.

2. That the developer provide all required affidavits from existing property owners prior to an ordinance request being filed with the City Clerk's Office.
3. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
4. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm **peak rate discharge** per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.
5. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.
6. The developer shall verify vertical and horizontal sight distance for the drive connection to N Oak St or E 51st St and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
7. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. The developer must submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right of way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
9. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
10. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance

permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.

11. The developer provide acceptable easement and secure permits to relocated sanitary sewers out from under proposed buildings and structures, etc., while continuing to ensure individual service is provided to all proposed lots as required by Land Development Division prior to recording the plat or issuance of a building permit, whichever occurs first.

Condition 12. per Public Works Department (heather.massey@kcmo.org)

12. That the developer make improvements as recommended in the approved traffic impact study, as required by Public Works Department, including:
 - a. Widen Brookside boulevard and add a southbound left-turn lane at the intersection of Brookside Boulevard and 51st Street extending to the existing median to create a smooth transition,
 - b. Widen Brookside Boulevard and add a northbound left-turn lane at the intersection of Brookside Boulevard and 51st Street with a minimum of 50 feet of storage plus appropriate taper,
 - c. Install and upgrade the traffic signals at Brookside Boulevard and 51st Street as necessary to accommodate the intersection improvements and to meet current ADA and Accessible Pedestrian Signal (APS) standards.

Condition 13. per Water Services Department (heather.massey@kcmo.org)

13. That the developer either install or relocate all water mains, sewers and fire hydrants as required by the Water Services Department.

Condition 14. per Fire Marshal's Office (john.hastings@kcmo.org)

14. That the developer provide for fire protection as required by the Fire Department.
15. That the developer apply for and receive an encroachment permit for any private use within the Public Right of Way.

Condition 16. per Parks and Recreation Department (Richard.allen@kcmo.org)

16. That the developer contribute parkland dedication money at a rate of \$16,907.93 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} & * 170 \text{ MF units} \times 2 \text{ persons/unit} \times 0.006 \text{ acres/person} = 2.04 \text{ acres} \\ & * 2.04 \text{ acres} \times \$16,907.93 = \$34,492.18 \end{aligned}$$

Conditions 17 and 18 per City Development Department (John.eckardt@kcmo.org)

17. That within 30 days of approval of a preliminary development plan by the city council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the city plan commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the city planning and development department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and further include all information as required by Section 88-520-03-H.
18. The developer shall submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and
Macy
VOTING NAY: None

| | |
|-------------------|---|
| RE: | Case No. 3557-P-1 |
| APPLICANT: | Tom Stiller Square One Collaborative 504 E 18 th Street Kansas City, MO 64111 |
| AGENT: | SNSA, Inc. 8397 Melrose Drive Lenexa, KS 66214 |
| LOCATION: | Generally located at the southeast corner of NE Vivion Road and N Elmwood Avenue |
| REQUESTS: | to consider rezoning the site from B1-1 (Neighborhood Business 1 dash 1) and R-6 (Residential 6) to B2-1 (Neighborhood Business 2 dash 1), to allow for the renovation of an existing fast- food restaurant with drive-thru. |

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Tom Stiller, SquareOne; representing the owners; agreed with the staff report.

Chairwoman Macy opened up the discussion to the public.

Mr. Joel Yost, lien holder on the property immediately to the south; if the proposal went through it would actually move the property line over into the house.

Ms. Binckley stated that the request today was to rezone it was not adjusting a property line; it was just that some of their property was zoned residential so they were going to take that commercial zoning to the property line, but the property line would not move.

Mr. Yost stated that then part of the house would be commercial.

Ms. Winchell answered no; it would go to the property line and none of his property would be affected.

Chairwoman Macy stated they were not changing any property lines; all they were doing was making the property that Church's Chicken owned all commercial.

Mr. Yost also felt that to rezone it to commercial right up to the property line would devalue the house.

Chairwoman Macy stated it sounded like the fence between the properties was not put on the current property line; he had benefited by his fence being on their property for a long time.

Mr. Yost said yes and he thought the adverse possession laws would pertain. The property from the fence over to the house a statement could be made that it now went with the house.

Ms. Binckley added that the purpose of the rezoning was there was a required setback from the property line and the business wanted to put a drive-through in and they needed that additional ground or they would have to request a variance.

Mr. Stiller stated that the setback was based on the zoning dedication line not the property line.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 3557-P-1 WITHOUT CONDITIONS.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and Macy

VOTING NAY: None

RE: Case No. 1704-V

APPLICANT: Steve May
May Technologies
2922 Wheeling Avenue
Kansas City, MO 64129

AGENT: George Bukaty
4125 Warwick Boulevard
Kansas City, Mo 64111

LOCATION: generally located north of I-70, between Bellaire to the west and the Blue River to the east.

REQUEST: to vacate all of Wheeling Avenue and Belmont Avenue as established by the East Center Plat from the point of beginning south to Interstate I-70.

Commissioner Crowl recused.

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. George Bukaty representing the May family; they were expanding their business another 15,000 sq. ft. of manufacturing previously gotten approval from the PIEA Commission for abatement and it would clean up some of the land massiveness there so they could proceed with the project and have it up and running by the end of the year.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 1704-V SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Gutierrez, Martin, May, and Macy
VOTING NAY: None
RECUSED: Crowl

RE: **Case No. 254-S-305**

REQUEST: Amending Chapter 88, the Zoning and Development Code, through revisions, clarifications, and other administrative changes throughout the chapter in accordance with the Zoning & Development Code periodic review

APPLICANT/SPONSOR: **Jeffrey Williams**, AICP Director City Planning & Development Department

Ms. Diane Binckley, Assistant Secretary, read the staff report into the record and stated that staff recommended continuance on this case to the June 2, 2015 meeting date.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Gutierrez seconded the motion to **CONTINUE Case No. 254-S-305** to the June 2, 2015 meeting date without fee (No Testimony – No Set Quorum)

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Cowl, Gutierrez, Martin, May, and Macy

VOTING NAY: None

Re: **Case No. 254-S-307**

Request: Amending Chapter 88, Zoning and Development Code, to add Section 88-318 Arts, ~~creating standards for Murals and~~ allowing for Artboards to be approved through a Special Use Permit in the Greater Downtown Area, and other revisions as necessary.

Sponsor: City Planning and Development

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Cowl stated that when he participated at the Board of Zoning Adjustment they had a hard time trying to decide how to define “art board”; what Mr. Garcia had done with that particular sign was made it into a nice feature with something to present his artwork

Commissioner Burnette asked if another area were interested in art boards would they had to apply for a special use permit.

Ms. Winchell responded first the area plan would have to be amended.

Vice Chair Archie stated he thought there would be very interesting discussions to enforce the conditions because of perceptions; like the language and pictures had to be appropriate; well that was a matter of interpretation.

Chairwoman Macy opened discussion to the public.

Ms. Kathryn Shields; they had reviewed the Ordinance being presented by City staff and they thought that in many ways it was a good staff report in recognizing the issue of art within the City in non-traditional places; however, there were two points; first, she believed it should be amended so that it didn't grandfather in or make it definite that people like Mr. Garcia did not lose its non-conforming use that they had now; she also thought in an attempt to regulate and set up standards that the line had been crossed from standards into actually attempting to dictate or control artistic expression which the Supreme Court had said it could not be done; referring to the 3% content shall not be lettering; she gave an the example of the art of Andy Warhol, the Campbell's Soup art; and Terrance Allen which much of his original work were words to express his experiences in the Viet Nam War and it was totally text; she thought they would be ending up with nothing but Constitutional challenges.

Mr. Israel Garcia, as an artist all he was trying to express himself in art and help the community that surrounded him; also what Ms. Shields mentioned was a concern to be sure that he wouldn't be limited on the way he expressed himself and felt that he wouldn't be limited in how he expressed himself as well as other artists.

Vice Chair Archie stated that he thought that the Constitutional limitations really pointed to freedom of expression when their assessment was based on the difference between art and billboard; their restrictions was not an opinion of the art but rather a decision on whether or not it would be a billboard which violated the Ordinance.

Chairwoman Macy asked if there was a way rather than have staff decide what was art and what was not and have the Arts Commission decide.

Ms. Moran answered that they did talk about that, but then again they should make the determination whether it was a billboard; staff wouldn't make any kind of decision of the quality of art or the value of art.

Commissioner Burnette asked if the wording "objective" decision in the Ordinance.

Chairwoman Macy stated she agreed with Diane; she thought it would be hard to decide.

Vice Chair Archie stated that the determination was not whether it was art or not; it was whether it was a billboard.

Chairwoman Macy stated she was uncomfortable with the whole text limiting it; if it would come before them through a complaint and they had to review it, they would be able to decide

whether or not it was a commercial; her opinion would to take those two things out, i.e. 3% limits.

Commissioner May asked what determined whether it was 3%, 5% or more.

Ms. Winchell responded they would look at the overall area of the art board and then tell them the dimensions of it.

Commissioner Baker-Hughes stated that the Arts Commission just recently had called for art that was “data art” and she saw conflict within the City.

Chairwoman Macy stated they were trying to define what art was; it was a constant battle; but they had to make a decision and it could be modified in the future if it became to problematic.

Vice Chair Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 254-S-307.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None

RE: Case No. 254-S-306

REQUEST: Amending Chapter 88, Zoning and Development Code, to revise Sections 88-120 Office, Business, and Commercial Districts and 88-805 Industrial Use Group and adding a new section 88-318 titled Artisanal Food and Beverage Manufacturing, to allow artisanal food and beverage manufacturing and catering establishments as a special or permitted use in certain districts and establishing standards therefor.

SPONSORS: Councilmembers Scott Taylor and John Sharp introduced Ordinance 150233 on April 2, 2015

Ms. Patricia Noll, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition

Vice Chair Archie moved and Commissioner Crawl seconded the motion to **APPROVE Case No. 254-S-306.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and
Macy
VOTING NAY: None

RE: Case No. 10839-S-7

APPLICANT/OWNER: Steve Creal
Custom Truck and Equipment
7701 E 24 Highway
Kansas City, MO 64125

LOCATION: Generally located south of US Highway 24 and west of Interstate 435.

REQUEST: To consider approval of a special use permit in District UR (Urban Redevelopment) to allow for an oversized monument sign and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Steve Creal, 7702 E. US Highway 24; agreed with the staff report and the condition presented in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition

Vice Chair Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 10839-SU-7 SUBJECT TO THE FOLLOWING ONE CONDITION:**

1. That one (1) copy (and a CD containing a pdf file) of the plans, revised as noted below, be approved by the Development Management staff (15th Floor, City Hall) prior to sign permit showing:
 - a. That the signs materials and colors be revised to match the material and color of the adjacent office/showroom building.
 - b. That all materials, colors and method of illumination be noted on the plan.
 - c. That the existing fence be shown on the plan.
 - d. Correct note on site plan to reference the sign being an “oversized monument sign”, not a pole sign.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Burnette, Crawl, Gutierrez, Martin, May, and
Macy

VOTING NAY: None

RE: a. Case No. 719-S
 b. Case No. 578-S-5
 c. Case No. 14562-UR

APPLICANT: a. Robert Long
 Land Clearance for Redevelopment Authority
 1100 Walnut St, Suite 1700
 Kansas City, MO 64106

 b. UC-B Brookside

 c. Lance Carlton
 2943 McGee Trafficway
 Kansas City, MO 64108

OWNER: UC-B Brookside
 Lance Carlton
 2943 McGee Trafficway
 Kansas City, MO 64108

LOCATION: Generally located at the northwest corner of E 63rd St and
 Holmes Rd.

REQUEST: a. To declare the property to be blighted and insanitary area in need
 of redevelopment and rehabilitation pursuant to the Land
 Clearance for Redevelopment Authority and approving an urban
 renewal plan for the same, said plan to be known as the 63rd &
 Holmes Urban Renewal Plan.

 b. To amend the 63rd St Land Use and Development Plan by
 changing the recommended land use category from low/medium
 density residential to residential, urban.

 c. To consider rezoning from District B3-2 (Community Business)
 to District UR (Urban Redevelopment) and approval of a
 preliminary development plan to allow development of a multi-
 unit residential building.

Commissioner Crawl recused.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Bob Long, on behalf on the Development Authority which handled all urban areas throughout the City; it would include a single parcel at 626 E. 63rd Street; it was an underutilized surface parking lot; it was proposed construction of a \$1.3 million dollar 3-story multi-family building with approximately 23 market-rate apartments and about 33 off-street parking spaces; it had easy access to Brookside Neighborhood and Research Medical Center. Mr. Pat Sterritt was there and they prepared a blight study and it was within the 63rd Street Urban Corp Land Use and Development Plan and will not require an amendment to that Plan; it would qualify for tax abatement plan; met with neighborhood associations and Council Sharp had provided a letter of support.

Mr. Pat Sterritt went over the blight study; and the reasons for the request of finding of blight with slides showing the blighted areas and unsafe and unsanitary conditions siting ground contamination.

Mr. Lance Carlton, one of the developers of the project stated they had hired a firm to engage with the Missouri Conversation with the voluntary clean-up program; then they had been working with NB&R to come up with a solution how to mediate or what they needed to do; they goal was to make it as safe as they could and hopefully they would receive a “No Further Action” letter. They haven’t found any tanks on the property yet, which they were continuing to bore; they had found a lot of backfill where a tank was likely; but it looked like all the tanks had been removed but leaving the site contamination.

Mr. Carlton began speaking of the structure that would be on site; they had sent revised plans to Ms. Binckley and staff; they had the DRC meeting; two components were discussed, that would have more street appeal and street access to the building and security; they did make changes as suggested and did submit yesterday. The metal siding was high quality; those designers did the AMC Theaters, the H&R Block and they were very animate about have a signature property and John and he felt that the design they came up with was a great balance and blend of architecture to the neighborhood; they would use architectural metal.

Vice Chair Archie was concerned about the building and the character of the neighborhood and the looks of it and how well it would fit into the community with the metal vs. the brick façade.

Mr. John Hoffman, one developer stated they didn’t have a lot of competition around the area around Gillham on Troost and Beacon Hill; they endeavored to leave a legacy for Kansas City of significant signature properties; the last one completed at 37th & Gillham won the award for Design in the City and they were proud of that; they were finishing 29th & Gillham that week with another signature property and when they presented the design to the neighborhoods they were overwhelming in support of this design.

Chairwoman Macy opened discussion to the public.

Ms. Marty Lee; Southtown Council; very much in support of the project.

Vice Chair Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 719-S SUBJECT TO ONE CONDITION; to DISMISS Case No. 578-S-5; and to APPROVE Case No. 145620UR SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the plan be revised as follows:
 - a. Add Diane Burnette to the list of City Plan Commissioners.
 - b. Page 6: Remove reference to area plan amendment requirement as this has been determined by Long Range Planning to not be necessary.
 - c. Page 9, Section B: Remove reference to area plan amendment requirement as this has been determined by Long Range Planning to not be necessary.
 - d. Page 10, Section 2: Replace Chapter 52 with Chapter 88 as it relates to screening requirements for parking areas.

Please note that satisfaction of Condition 1a-d is required prior to City Council approval.

At the same meeting, the City Plan Commission voted to **DISMISS** the above referenced **Case 578-S-5**.

At the same meeting, the City Plan Commission voted to **RECOMMEND APPROVAL** the above referenced **Case 14562-UR to the City Council**, subject to the following conditions:

1. That two (2) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, **revised as noted below**, be submitted to Development Management staff (15th Floor, City Hall), prior to ordinance request showing:
 - a. That the landscape plan be revised to provide the total area of interior parking lot landscaping and to show a three foot masonry wall along the length of the north side of the retaining wall constructed of material complementary to the building.
 - b. That the applicant provide a revised photometric plan measuring illumination in footcandles and showing a point by point illumination array at ten foot intervals up to the property lines.
 - c. That the applicant work with staff to revise the elevations to emphasize the building entrances along the south side of the building such that they are more visible from 63rd St in compliance with the 63rd Street Corridor Land Use Plan and Section 88-110-06-C-6 of the zoning and development code.
 - d. That the applicant work with staff to revise the elevations substituting a portion of the metal siding with a material recommended by the 63rd Street Corridor Land Use Plan.
 - e. That the proposed use, as stated and defined by the zoning and development code, be noted on the plan.
 - f. That the depth of the proposed parking spaces be provided.
 - g. That a code modification request, if required, be submitted and approved for the parking lot space aisle dimensions as shown on the proposed plan.
 - h. Note the proposed zoning district (UR) on the plans.

- i. Correct the net and gross land area numbers on the plans so they are consistent with one another.
 - j. Provide floor area ratio expressed as total building floor area in square feet divided by total site area in square feet.
 - k. Provide a note stating that all dumpsters and ground and building mounted mechanical equipment will be screened in accordance with 88-425-08 of the zoning and development code.
 - l. Label the building elevations.
 - m. Provide a note stating that any signage will comply with 88-445 of the zoning and development code.
2. The developer is responsible for payment of money in lieu of parkland dedication in the amount of \$4,666.59 prior to issuance of a building permit. This amount is based upon the following formula: (number of residential units (23) X 2 persons per unit X 0.006 acres = required dedication in acres (0.276) X \$16,907.03 per acre = \$4,666.59). This amount is subject to change based upon the actual number of residential units constructed.
 3. The developer shall submit to Development Management staff, for review and approval prior to building permit, a final plan in substantial compliance with the preliminary plan and including the following: a fully-labeled and dimensioned site plan; a fully-labeled and dimensioned landscape plan showing landscaping (including species, common name and size at time of planting), overhead and underground utilities, lighting plan with photometric study, and color building elevations with all materials labeled.

The following conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or brett.cox@kcmo.org.

4. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted to the Land Development Division and approved prior to issuance of building permits.
5. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
6. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other

improvements may be required.

The remaining conditions are recommended by the Fire Department. Please contact John Hastings at 816-784-9110 or john.hastings@kcmo.org.

7. A means for emergency operation of the vehicle gate will be required. This may be accomplished by the use of either a siren sensor (yelp) gate or a Knox electrical key switch.
8. A Knox Box will be required for access to the building.

Motion carried 6-0

VOTING AYE: Archie, Burnette, Gutierrez, Martin, May, and Macy
VOTING NAY: None
RECUSED: Crowl
ABSENT: Baker-Hughes

RE: a) **Case No. 260-S-10**
 b) **Case No. 225-S-25**
 c) **Case No. 14561-P**

APPLICANT/ AGENT: Evan Fitts
 Polsinelli PC
 900 W. 48th Place
 Kansas City, MO 64112

OWNER: Brian Douglas
 c/o Mariner Real Estate Management, LLC
 4601 College Blvd, Suite 350
 Leawood, KS 66211

LOCATION: Generally located on the south side of W. 48th Street between JC Nichols Pkwy and Main Street.

AREA: About 0.5 acres.

REQUESTS: a) **Case No. 260-S-10** – To consider a request to amend the Country Club Area Plan, on about 0.5 acre, generally located on the south side of W. 48th Street between JC Nichols Pkwy and Main Street, by changing the recommended land use from Office Commercial to Mixed Use Neighborhood.

 b) **Case No. 225-S-25**– To consider a request to amend the Plaza Urban Design and Development Plan, on about 0.5 acre, generally located on the south side of W. 48th Street between JC Nichols Pkwy and Main Street, by changing the recommended land use

from “No Recommended Rezoning” to “Limited Redevelopment with Specific Guidelines”.

- c) **Case No. 14561-P** – To consider a request to rezone a 0.5 acre tract of land from District R-0.3 (Residential dash 0.3) to District B2-5 (Neighborhood Business 2 dash 5).

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

The configuration of it was half zoned one thing and half zoned another; there was a desire to provide a proper more intensive use; agreed with the staff report and all conditions presented; trying to get the zoning cleaned up.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Vice Chair Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 260-S-10; Case No. 225-S-25; and Case No. 14561-P WITHOUT CONDITIONS.**

Motion carried 6-0

VOTING AYE: Archie, Burnette, Crowl, Gutierrez, Martin, and Macy
VOTING NAY: None
ABSENT: Baker-Hughes, May

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|--------------------------|--|
| RE: | Case No. 14545-SU |
| APPLICANT/ AGENT: | Vince LaTona LaTona Architects 1600 Genessee Kansas City, MO 64102 |
| OWNER: | Raman Property, LLC 3800 E. Gregory Boulevard Kansas City, MO 64132 |
| LOCATION: | 3800 E. Gregory Boulevard - Generally located at the northeast corner of Cleveland Avenue and E. Gregory Boulevard. |
| AREA: | About 0.28 acres. |
| ZONING: | B1-1 (Neighborhood Business 1 dash 1). |

REQUESTS: To consider approval of a request for a Special Use Permit in District B1-1 (Neighborhood Business 1 dash 1), to allow for a new 25' x 50' gas canopy with two islands (4 pumps) to the existing convenience store, plus any necessary variances.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Vince LaTonya, architect for the project; the 5 foot variance on the Cleveland side they could accomplish with planting strips; the variance on the north side, they were now looking for zero because the existing line was really south of the property line by at least 5 feet; the variance on the parking, they met the requirements, they only lost the two spaces if they were denied the variance on the east side. If they decided to do that, they felt they could still accommodate the number of cars, they would move the disembarking area for the handicapped space to the left of the row of parking in front of the building. They did conform to the request of the Parks Department, they put that landscaping in; they also had the required screening landscaping as a second layer to the Parks Department landscaping. They had eliminated approximately 1,700 sq. ft. of paved area. They met with the Home's Associations and he thought they were all in favor of it; there are representatives from Fox Town East there to speak. They have complied with all of the requirements assuming the variances are successful; the only thing they had an issue with is the lighting; they are not sure they could accomplish the light levels that are being requested. The ordinances say that at the property line that you could have only 2 lux; a metric measure that would be an equivalent most used to is foot candles; 2 lux equates to about .18 foot candles and would like to have some leeway on it.

Chairwoman Macy opened discussion to the public.

Ms. Coreen Patterson; 10 to 15 years ago, the City had promised to widen that street; it was too narrow because of the traffic in the morning and in the evening; that was an issue when she talked to other neighbors. There had been accidents at that corner and to put a gas station there would make it worse.

Mr. Mark (LNU); one question that came up after meeting with the developer and saw the plans is the City involved with the street lights are they going to be designed to accommodate this project because it hadn't been addressed to the neighbors or neighborhood; they are concerned with traffic and congested traffic as well as pedestrian traffic.

Mr. Wei Sun, Public Works; he agreed with the statements; there are problems in the area; the current signal is about 60-years old; a new signal would cost about \$350.00.

Mr. LaTonya felt they had addressed some traffic problems with taking out some access points and re-directing traffic onto other streets.

DISCUSSION on the recommendation of denial.

Commissioner Crowl stated he had a lot of reservations about that particular site; making it work for additional gas pumps; getting vehicles in and out to serve the store, getting the big truck in to fill up the tank would create a lot of problems in an area that has traffic problems. I would hope that in the future this intersection would be added to the long range traffic plan to update the light from a safety standpoint in a community.

Commissioner Crowl moved and Commissioner Martin seconded the motion to **DENY Case No. 14545-SU**.

Motion carried 6-0

VOTING AYE: Archie, Burnette, Crowl, Gutierrez, Martin, and Macy
VOTING NAY: None
ABSENT: Baker-Hughes, May

RE: a) **Case No. 132-S-42**
b) **Case No. 594-S-2**

APPLICANT/ AGENT: Al Figuly
Planned Industrial Expansion Authority
20 E 5th Street, Suite 200
Kansas City, Missouri 64106

LOCATION: Generally bounded by W. 34th Street on the north, W. 36th Street on the south, Wyandotte Street on the east and Pennsylvania Avenue on the west.

AREA: About 12 acres.

ZONING: Districts R-1.5 (Residential 1.5), R0.5 (Residential 0.5), UR (Urban Redevelopment), and B4-5 (Heavy Business/Commercial)

REQUESTS: a) **Case No. 132-S-42** – To consider a request to amend the Westport Planning Area Plan, on about 3.35 acre tract of land, generally bounded by W. 34th Street on the north, W. 34th Terrace on the

south, Broadway Boulevard on the east and Washington Street on the west by changing the recommended land use from Office to Mixed Use.

- b) **Case No. 594-S-2** – About 12 acres generally bounded by W. 34th Street on the north, W. 36th Street on the south, Wyandotte Street on the east and Pennsylvania Avenue on the west, to consider approval of the Second Amended and Restated Ellison/Knickerbocker PIEA General Development Plan, and declare the area blighted and insanitary and in need of redevelopment and rehabilitation pursuant to the Missouri Planned Industrial Expansion Authority (PIEA) Law 100.300-100.620.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Pat Sterritt; explained the site; detailed the reasons for the finding of blight and insanitary conditions; agreed with the staff report. He additionally explained the PIEA General Development Plan; with 10 years for the improvements.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Crowl moved and Commissioner Burnette seconded the motion to **APPROVE Case No. 132-S-42 WITHOUT CONDITIONS; RECOMMENDED A FINDING OF BLIGHT AND INSANITARY CONDITION and APPROVED Case No. 594-S-2 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) copies of a revised plan document and a CD containing a pdf file be submitted to Development Management staff prior to the preparation of an ordinance request, revised as follows:
 - a. Correction all references to the Westport Planning Area plan to reflect the proposed accompanying Land Use Plan amendment.

That prior to receipt of tax abatement, the applicant files application for and cause rezoning to District UR, if determined necessary.

Motion carried 6-0

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| VOTING AYE: | Archie, Burnette, Crowl, Gutierrez, Martin, and Macy |
| VOTING NAY: | None |
| ABSENT: | Baker-Hughes, May |

There being no further business, Chairwoman Macy adjourned the meeting at 12:41 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Babette Macy, Chairwoman